

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEWITT GILMORE,

Plaintiff,

v.

SEAN “DIDDY” COMBS,

Defendant.

Case No.: 1:23-cv-06810-JGLC

NOTICE OF APPEAL

Notice is hereby given that Plaintiff DEWITT GILMORE hereby appeals to the United States Court of Appeals for the Second Circuit from the Order entered on May 16, 2025 (Dkt. 43), which denied Plaintiff’s Motion for Reconsideration and refused to grant a Certificate of Appealability, effectively blocking Plaintiff’s access to appellate review.

Plaintiff respectfully includes the sworn affidavit of Paulette [Last Name] (Exhibit A), which affirms material facts central to this appeal and was previously overlooked by the District Court.

This appeal challenges the District Court’s:

- Repeated refusal to adjudicate the Plaintiff’s federal civil and constitutional claims;
- Improper denial of post-judgment relief under Rule 60(b);
- Evident procedural bias that shielded a high-profile defendant from scrutiny; and
- Violation of the Plaintiff’s rights to due process and equal protection under the Constitution.

This matter raises issues of significant public interest and constitutional concern, including judicial accountability, civil access to justice, and systemic suppression of survivor and whistleblower complaints.

Plaintiff files this appeal in good faith and will contemporaneously file a Motion to Proceed In Forma Pauperis.

Respectfully submitted,

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DeWitt Gilmore

Plaintiff, Pro Se

404-477-8257

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EXHIBIT A

DEWITT GILMORE,
Plaintiff,

v.

SEAN "DIDDY" COMBS,
Defendant.

Case No.: 1:23-cv-06810-JGLC

SUPPLEMENTAL AFFIDAVIT OF PAULETTE LAYNE I SUPPORT OF APPEAL

"Plaintiff DeWitt Gilmore submits the attached sworn affidavit of Paulette Layne as additional evidence in support of his appeal. This sworn statement, previously submitted to the District Court, affirms material facts central to Plaintiff's claims and was improperly disregarded or excluded from substantive consideration."

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D Gilmore', with a long horizontal flourish extending to the right.

DeWitt Gilmore
Plaintiff, Pro Se

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Exhibit A – Declaration of Paulette Layne

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DECLARATION OF PAULETTE LAYNE

I, Paulette Layne, declare as follows:

I was living with DeWitt Gilmore in 1995–1996 at 100 Pelham Road, New Rochelle, NY. I was pregnant with our daughter, Fortune, and caring for our toddler son.

One afternoon, I answered our home phone after multiple calls. A man with a hostile, rude, and threatening tone asked for DeWitt and said, “You tell him Puffy called.” I had no idea who “Puffy” was at the time.

The tone and message of the call left me shaken and fearful. I have never forgotten the call, the voice, or how it made me feel.

Later, DeWitt told me that he believed Sean “Diddy” Combs had orchestrated a violent ambush against him and Lance Calfe. He hadn’t told me earlier due to my pregnancy and our young children.

I make this declaration voluntarily and understand it may be submitted in court proceedings.

I declare under penalty of perjury that the foregoing is true and correct.

Name Printed: Paulette Layne
Signature: P. Layne

Executed on this 16th day of May, 2025

UNITED STATES DISTRICT COURT
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MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL

Pursuant to 28 U.S.C. § 1915, Plaintiff DEWITT GILMORE respectfully moves this Court for leave to proceed in forma pauperis on appeal.

Plaintiff seeks to appeal the District Court’s Order entered on May 16, 2025 (Dkt. 43), which denied post-judgment relief and refused to grant a Certificate of Appealability.

Grounds for this Motion:

1. Plaintiff is presently without income, resides with his girlfriend who supports household expenses, owns no vehicle, utilities, savings, or other assets, and is behind on housing obligations.
2. Plaintiff’s appeal is taken in good faith and is not frivolous, as it involves:
 - the denial of fundamental civil rights protections,
 - judicial overreach and procedural suppression, and

- questions of constitutional significance under the First and Fourteenth Amendments.

3. Additionally, Plaintiff has submitted a **sworn affidavit from Paulette Layne**, a third-party witness whose testimony substantiates critical aspects of Plaintiff's claims. This affidavit constitutes **material evidence** that was improperly disregarded or excluded from the District Court's May 16, 2025 ruling. The inclusion of this affidavit further supports Plaintiff's position that the appeal is not frivolous, but rather, is necessary to correct a miscarriage of justice

Accordingly, Plaintiff respectfully requests that the Court grant leave to proceed in forma pauperis and waive the filing fee associated with this appeal.

Respectfully submitted,

Date: May 19, 2025

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Exhibit A – Declaration of Paulette Layne